

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RANDALL DUCHESNEAU**  
**Plaintiff,**

**v.**

**CORNELL UNIVERSITY, et al.**  
**Defendant.**

**: CIVIL ACTION**  
**:**  
**:**  
**: No. 08-4856**  
**:**  
**:**  
**:**

**O R D E R**

**AND NOW**, this 22nd day of November, 2011, upon consideration of Defendant Cornell University's ("Cornell") Motion to Establish Applicable Law (Doc. No. 170), Plaintiff Randall Duchesneau's ("Plaintiff") partial opposition thereto (Doc. No. 176), Cornell's reply (Doc. No. 185), and Plaintiff's surreply (Doc. No. 194), **IT IS HEREBY ORDERED** that Cornell's motion is **GRANTED IN PART, and DENIED IN PART** as follows:

- (1) Regarding the effect of punitive damages upon the application of comparative negligence, Cornell's motion is **GRANTED**. New York law will apply on this issue.
- (2) Regarding compensatory damages, Cornell's motion is **DENIED WITHOUT PREJUDICE**. Plaintiff is ordered to file a Supplemental Response to Cornell's motion that substantively addresses the choice of law applicable to compensatory damages, on or before December 5, 2011. Cornell may file a Reply on or before December 12, 2011. No further briefing on this issue shall be filed.

- (3) Regarding all other choice of law issues as between Plaintiff and Cornell, Cornell's motion is **GRANTED** as unopposed, and New York law shall apply to all other issues.

BY THE COURT:

/s/ Lynne A. Sitarski  
LYNNE A. SITARSKI  
UNITED STATES MAGISTRATE JUDGE